

REMARKS

Claims 1 – 17 were pending in the present application. Claims 1 –17 have been canceled without prejudice or disclaimer. Claims 18 – 27 have been added. Claims 18 - 27 remain pending in the present application.

Claims 1 – 8 and 15 – 17 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 3, 5, and 15 – 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 9 – 14 were rejected under U.S.C. 103(a) as being unpatentable over Frey (US Patent Number 6,029,168) and Dang et al (US Patent Number 6,718,352). While Applicant respectfully traverses the 103(a) rejection of claims 1 and 9 – 14, the cancellation of these claims by Applicant are believed to render the rejections moot.

The Examiner indicated that Claims 2 and 4 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims, and that Claims 6 – 8 and 15 – 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and/or U.S.C. 101 set forth in the Office Action.

Accordingly, new independent Claims 18 and 20 include the limitations recited in Claims 2 and 4 and their base claims respectively. While Applicant respectfully traverses the rejection of Claims 1 - 5 under 35 U.S.C. 101 as being directed to non-statutory subject matter, Applicant has nevertheless included the term “computer-implemented method” in Claims 18 and 20 as suggested by the Examiner.

New independent Claim 22 recites the limitations of original Claim 6, and has also been rewritten to overcome the rejection under 35 U.S.C 101 (see MPEP 2106.IV.B.1(a): “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the

computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory").

New independent Claim 25 recites the limitations of original Claim 15, and has been rewritten to overcome the rejections under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph.


Accordingly, new independent Claims 18, 20, 22 and 25 are believed to be in condition for allowance. As the remaining Claims 19, 21, 23 - 24, and 26 - 27 depend upon these independent claims, the remaining claims are also believed to be in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-17900/BNK.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: 3-11-05